

REMARKS

Claims 1 through 32 were pending in the application when an Office Action was mailed November 6, 2003, with respect to the above-identified application. Claims 1, 5, 7-9, 16, 20, 22-24, and 30-32 were rejected under 35 U.S.C. § 102(a). The remaining claims were rejected under 35 U.S.C. § 103(a). The Office Action was not made final.

Based on the following remarks, Applicant respectfully requests entry of the foregoing amendments, and reconsideration and allowance of Claims 1-32.

Objections to the Figures

The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because FIGURE 5 included reference numeral 320 which was not mentioned in the description of the invention. Applicants submit a new FIGURE 5 on which reference numeral 320 has been omitted. Applicants respectfully submit that the drawings should now be acceptable.

Rejections Under 35 U.S.C. § 102(a)

Claims 1, 5, 7-9, 16, 20, 22-24, and 30-32 were rejected under 35 U.S.C. § 102(a) as being anticipated by Lungren et al. Applicant respectfully traverses.

Lungren et al. describes a “GRAPHICAL COMPUTER SYSTEM AND METHOD FOR FINANCIAL ESTIMATING AND PROJECT MANAGEMENT.” Lungren et al. teaches a method and computer program for “navigating through the financial estimating process” (Column 1, lines 42-43; emphasis added). In a first mode of operation, “the user directs the computer to display a map in the form of a segmented pyramid” (Column 1, lines 45-47). Respectfully, the method and computer program of Lungren et al. does not anticipate Claims 1, 5, 7-9, 16, 20, 22-24, and 30-32.

The Office Action stated that Lungren et al. anticipates Claims 1, 16, and 32 because “the interface includes a graphical display workspace and one or more elements (segments on the

25315
CUSTOMER NUMBER

- 6 -

RKMH-I-1002ROA

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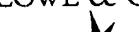

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pyramid), wherein each element represents an attribute of the project and the position of the elements within the workspace is indicative of the attentiveness the element requires, as seen from the pyramid in Figure 3 and further recited in column 1, line 45-55" (Office Action, page 3, paragraph 1). Applicants have amended Claims 1, 16, and 32. Respectfully, the method and computer program of Lungren et al. does not anticipate Claims 1, 16, and 32 or claims which depend from them because Lungren et al. does not include all of the elements included in Claims 1, 16, and 32 as amended.

Claim 1 as amended includes "one or more graphical elements contained within the workspace and arrayed around the central point, wherein each graphical element represents a project attribute, and a position of the one or more elements within the workspace relative to the central point is indicative of a relative hierarchy of the project attribute within a series of project attributes in the project" (emphasis added). Further, Claim 16 as amended includes this element and further includes "each of the graphical elements describes an angular section around the central point such that the relative angular section of the graphical element is indicative of an attribute of the project element associated with the graphical element" (emphasis added). Claim 32 as amended also includes that "each graphical element represents a project task, and each graphical element describes an angular section about the central point and is arrayed at a distance from the central point such that a relative size of the angular section of the graphical element is indicative of a first attribute of the project task to one of a project and another project task and a relative distance of the graphical element from the central point is indicative of a second attribute of the project task to one of the project and another project task" (emphasis added). Applicants submit that these claims as amended are patentable over the applied reference.

Applicants concede that Lungren includes a plurality of graphical elements. However, the graphical elements in the pyramid structure of Lungren et al. are not arrayed about a central point. Moreover, the graphical elements of Lungren et al. are not positioned according to a

25315
CUSTOMER NUMBER



hierarchy within a project, but according to a “familiar” financial planning structure, as recited by Lundgren at Column 1, lines 45-55 as cited in the Office Action:

The data map is available with two optional, graphical modes of operation. In one graphical mode of operation, the user directs the computer to display a map in the form of a segmented pyramid. The segments of the pyramid provide active areas or buttons, which when selected with an input device, display an appropriate form with the text or financial details for that segment of the financial estimate. Using a pyramid paradigm, a reference is provided for relating direct costs, indirect costs and profits in a structured fashion analogous to financial models familiar to users from the financial management literature.

(Column 1, Lines 42-54; emphasis added). In FIGURE 3 referenced by the Office Action, the graphical elements presented by Lungren et al., listed from larger to smaller and from bottom to top, include, for example, “Cost Details (assigned to Bid Items)” 47, “Cost Details (not assigned to Bid Items)” 45, Job Management & Equipment” 43, “General Expense” 42, and similar items. Assigning or estimating such costs are all equally significant parts of the estimating process. None of the elements presented by Lungren et al. are relatively positioned and or sized around a central point in order to indicate a hierarchy of project attributes as included in Claims 1, 16, and 32. Moreover, none of the elements of Lungren et al. is sized in order to represent an attribute of the financial details associated with each graphical element to the financial estimate as a whole. Thus, Lungren et al. does not include all the elements of Claims 1 and 16 and, thus, Claims 1 and 16 are not anticipated by Lungren et al.

Further, because Claims 5 and 7-9, depend from and add additional limitations to patentable Claim 1 as amended, and Claims 20, 22-24, and 30-31 depend from and add additional limitations to patentable Claim 16 as amended, Applicant respectfully submits that Claims 1, 5, 7-9, 16, 20, 22-24, and 30-32 are in condition for allowance under 35 U.S.C. § 102(b). Therefore, Applicant respectfully requests entry of the amendments to Claims 1, 16, and 32, and reconsideration and allowance of Claims 1, 5, 7-9, 16, 20, 22-24, and 30-32.

25315
CUSTOMER NUMBER

- 8 -

RKMH-1-1002ROA

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Rejections Under § 103(a)

Claims 2-4 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Selker. Claims 6, 10, 11, 21, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Pollalis et al. Finally, Claims 12-15 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Mansour. Respectfully, Applicants respectfully traverse. Applicants submit that a *prima facie* case of obviousness has not been presented with regard to these claims.

Claims 2-4 and 17-19

Claims 2-4 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Selker. Respectfully, Applicants submit that the combination of the references do not make out a *prima facie* case of obviousness.

First, as previously discussed, Lungren et al. does not teach that “one or more graphical elements contained within the workspace and arrayed around the central point, wherein each graphical element represents a project attribute, and a relative position of the one or more elements within the workspace relative to the central point is indicative of a relative hierarchy of the project attribute within a series of project attributes in the project” as included in Claims 1 and 16. Accordingly, Claims 2-4 and Claims 17-19 add additional limitations to patentable Claims 1 and 16, respectively, and thus are patentable.

Second, it would not have been obvious for one of ordinary skill in the art to combine the applied references at the time the invention was made to reach the claimed invention. Lungren et al. concerns a “GRAPHICAL COMPUTER SYSTEM AND METHOD FOR FINANCIAL ESTIMATING AND PROJECT MANAGEMENT,” whereas Selker teaches a “PIE MENU GRAPHICAL USER INTERFACE.” Admittedly, both teach an interface through which a user may navigate to elements presented by their interfaces. However, Lungren et al. teaches a

25315
CUSTOMER NUMBER



system for financial estimating providing a graphical interface models a pyramid sequence familiar to financial planners. Thus, Lungren et al. groups elements relating to familiar estimating models that have nothing to do with hierarchy as previously described. Selker teaches a generalized user interface for grouping menu-provided functions and other menu choices for a computer program. Selker, therefore, has nothing to do with financial estimating which is at the core of Lungren et al. Furthermore, Selker is not concerned with project management of any sort, but focuses on an alternative way to group menu options. Nothing in Selker teaches nor suggests “a relative position of the one or more elements within the workspace relative to the central point is indicative of a relative hierarchy of the project attribute within a series of project attributes in the project” (emphasis added) as included in Claims 1 and 16 from which Claims 2-4 and 17-19 depend. Accordingly, Applicants submit that it would not have been obvious to combine the teachings of the applied references.

Third, furthermore, Selker fails to overcome the shortcomings of Lungren et al. With regard to Claims 2 and 17, the Office Action relies on Selker at Column 2, lines 45-50 as overcoming the shortcomings of Lungren et al.:

A graphical user interface includes a plurality of pie menu levels concentrically arranged. Located within the center most section, hereafter level 1, are menu selections generally of greater importance, highest probability of use, historical favorites, category headings, tabs from a tab menu, as well as other preselected criteria.

(Column 2, lines 45-50; emphasis added). Selker describes using only a position of the menu selections relative to a “center most section” to indicate importance and other factors. Claims 2 and 17 as amended further distinguish over the applied references by including that the “workspace comprises one or more concentric circles arrayed around the central point such that project attributes represented in a same concentric circle have a same relative hierarchy within the project” (emphasis added). Although Selker describes that distance from a central point describe may describe importance, it does not teach that similarly concentrically arranged

25315
CUSTOMER NUMBER

- 10 -

RKMH-1-1002ROA

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elements are indicative of a same relative hierarchy. Thus, a *prima facie* case of obviousness has not been established with regard to Claims 2 and 17.

With regard to Claims 3 and 18, the Office Action relies on Selker at Figure 6 to overcome the shortcomings of Lungren et al. to show that “dividing the concentric circles into wedge-shaped segments” would have been obvious. Selker’s description of its Figure 6 only states that:

“FIG 6. also illustrates a hierarchical multiple level menu system with second and third levels of granularity. In this embodiment, two concentric levels surround a single level 1 menu item 60. In this configuration, menu choices are configured in symmetrically patterned levels.”

(Column 4, lines 57-61; emphasis added). Although the concentric circles of Selker’s Figure 6 are subdivided into wedges, Selker neither teaches nor suggests there is an indication that this configuration employs the “concentric circles . . . divided into one or more wedge-shaped segments such that a relative size of each of the segments is indicative of an attribute of a project or task” to overcome the shortcomings of Lungren et al. Thus, a *prima facie* case of obviousness has not been established with regard to Claims 3 and 18.

With regard to Claims 4 and 19, the Office Action relies on Selker at Column 5, lines 30-33 to overcome the shortcomings of Lungren et al. to show that “segments are colored to indicate an attribute of a project or task” would have been obvious. Claims 4 and 19 depend from Claims 3 and 18, respectively, which in turn depend from Claims 2 and 17, respectively. Selker’s description of only states that:

“In addition, sectors and/or levels are shaded with colors and/or textures to highlight commonly grouped menu items or distinguish between menu items.”

(Column 5, lines 30-33; emphasis added). Although Selker contemplates use of color, Selker neither teaches nor suggests that “segments are colored” to indicate “an attribute of a project or task” to overcome the shortcomings of Lungren et al. Thus, a *prima facie* case of obviousness has not been established with regard to Claims 4 and 19.

25315

CUSTOMER NUMBER

- 11 -

RKMH-1-1002ROA

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In sum, Claims 2-4 and 17-19 add additional limitations to patentable Claims 1 and 16, respectively, it would not have been obvious to combine the teachings of the applied references, and Selker fails to overcome shortcomings of Lungren et al. to reach the claimed invention, Application respectfully contends that a *prima facie* case of obviousness has not been established. Respectfully, Applicant requests reconsideration and allowance of Claims 2-4 and 17-19.

Claims 6, 10, 11, 21, 25, and 26

Claims 6, 10, 11, 21, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Pollalis et al. Respectfully, Applicants submit that the combination of the references do not make out a *prima facie* case of obviousness.

First, as previously discussed, Lungren et al. does not teach that “one or more graphical elements contained within the workspace and arrayed around the central point, wherein each graphical element represents a project attribute, and a relative position of the one or more elements within the workspace relative to the central point is indicative of a relative hierarchy of the project attribute within a series of project attributes in the project” as included in Claims 1 and 16. Accordingly, Claims 6, 10, 11 add additional limitations to patentable Claim 1, and Claims 21, 25, and 26 add additional limitations to patentable 16, and thus are patentable.

Second, Pollalis et al. fails to overcome the shortcomings of Lungren et al. With regard to Claims 6 and 21, the Office Action relies on Pollalis et al. at Figures 5 and 8 to overcome the shortcomings of Lungren et al. Claims 6 and 21 include the element of “a ring having a graphical progress bar that graphically represents the progress toward completion of a project or task.” Pollalis et al., as shown in FIGURES 5 and 8, show successively redrawn graphs to depict progress toward completion of individual aspects of a project or task from which someone viewing the successively redrawn graphs might deduce progress toward completion. Pollalis et al. does not show a particular graphical progress bar, let alone “a ring having progress bar” as

25315

CUSTOMER NUMBER



expressly included in Claims 6 and 21. Accordingly, Pollalis does not overcome the shortcoming of Lungren et al. Thus, a *prima facie* case of obviousness has not been established with regard to Claims 6 and 21.

With regard to Claims 10 and 25, the Office Action relies on Pollalis et al. at Figures 5 and 13 to overcome the shortcomings of Lungren et al. Claims 10 and 25 include the element “wherein an attribute of the one or more icons is indicative of the status of a project or task.” Claims 10 and 25 depend from Claims 9 and 24, respectively. As previously described Pollalis et al., as shown in FIGURES 5 and 13, includes successively redrawn graphs to from which someone viewing the successively redrawn graphs might deduce progress toward completion. Respectfully, Applicants contend that the successively redrawn graphs do not constitute icons indicative of the status of a project or task. To highlight this distinction, Applicants have amended Claims 9 and 24 to clarify that “at least one element comprises at least one icon such that presence of the icon indicates that increased attention is due the project attribute associated with the element” (emphasis added). Pollalis et al. does not teach the presence of an icon included in the graphical elements to show that increased attention is due to the associated project attribute. Applicant requests the Amendments to Claims 9 and 24 be entered and submits that a *prima facie* case of obviousness has not been established with regard to Claims 10 and 25.

With regard to Claims 11 and 26, the Office Action relies on Pollalis et al. at Figures 5 and 13 to overcome the shortcomings of Lungren et al. Claims 11 and 26 depend from Claims 10 and 25, respectively, which in turn depend from Claims 9 and 24, respectively. As previously described, Applicants have proposed an amendment to Claims 9 and 24 which clarifies the distinction between Claims 9, 10, 24, and 25, from the applied references. Because Claims 11 and 26 depend from and add additional limitations to the amended Claims, Applicant submits that a *prima facie* case of obviousness has not been established with regard to Claims 11 and 26.

In sum, Claims 6 and 21 add additional limitations to patentable Claims 1 and 16, respectively. In addition, Claims 10 and 11 and Claims 25 and 26 depend from and add

25315
CUSTOMER NUMBER

additional limitations to Claims 9 and 24, respectively, which have been amended to clarify the distinction between the claimed invention and the applied references. Respectfully, Applicant requests entry of the amendments to Claims 9 and 24, and reconsideration and allowance of Claims 6, 10, 11, 21, 25, and 26.

Claims 12-15 and 27-29

Claims 12-15 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lungren et al. further in view of Mansour. Respectfully, Applicants submit that the combination of the references do not make out a *prima facie* case of obviousness.

As previously discussed, Lungren et al. does not teach that “each graphical element represents a project attribute, and a relative position of the one or more elements within the workspace relative to the central point is indicative of a relative hierarchy of the project attribute within a series of project attributes in the project” as included in Claims 1 and 16 as amended. Lungren et al. also fails to teach “at least one element comprises at least one icon such that presence of the icon indicates that increased attention is due the project attribute associated with the element” as included in Claims 9 and 24. Accordingly, because Claims 12-15 and 27-29 add additional limitations to patentable Claims 1, 9, 16, and 24 and Claims 12-15 and 27-29 are in condition for allowance. Thus, Applicants request reconsideration and allowance of Claims 12-15 and 27-29.

25315
CUSTOMER NUMBER

- 14 -

RKMH-1-1002ROA

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CONCLUSION

In view of the above amendments and remarks, Applicant very respectfully submits that all claims pending in this application are patentable over the cited references and are in condition for allowance. Applicant very respectfully requests entry of the Amendment, and reconsideration and allowance of all claims.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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25315
CUSTOMER NUMBER

- 15 -

RKMH-1-1002ROA

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